



General Assembly

January Session, 2005

Raised Bill No. 6608

LCO No. 3196

03196_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE DEFINITION OF A CASE OF WINE AND A CASE OF BEER FOR QUANTITY DISCOUNTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (6) of section 30-1 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (6) (A) "Case price" means the price of a container of cardboard,
5 wood or other material, containing units of the same size, brand, age
6 and proof of alcoholic liquor, [and] (B) a case of alcoholic liquor, other
7 than beer, cordials, cocktails, wines and prepared mixed drinks, shall
8 be in the number and quantity of units or bottles as follows: Three
9 gallon bottles; four gallon bottles; six half-gallon bottles; twelve quart
10 bottles or twelve liter bottles; twelve one-fifth gallon bottles or twelve
11 seven hundred fifty milliliter bottles; twenty-four pint bottles; twenty-
12 four one-tenth gallon bottles or six and four-tenths ounce bottles or
13 twenty-four three hundred seventy-five milliliter bottles or forty-eight
14 one hundred eighty-seven and one-half milliliter bottles; ninety-six one
15 hundred milliliter bottles; forty-eight half-pint bottles, or two hundred
16 forty-one and one-half ounce, one and six-tenths ounce and two ounce

17 bottles or ninety-six ninety-three and seven-tenths milliliter bottles or
18 one hundred ninety-two forty-six and eight-tenths milliliter bottles, (C)
19 a case of wine shall not exceed a total quantity of seventy-five liters,
20 and (D) a case of beer shall not exceed one hundred twenty-five liters.

21 Sec. 2. Section 30-63 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective from passage*):

23 (a) No holder of any manufacturer, wholesaler or out-of-state
24 shipper's permit shall ship, transport or deliver within this state, or sell
25 or offer for sale, any alcoholic liquors unless the name of the brand,
26 trade name or other distinctive characteristic by which such alcoholic
27 liquors are bought and sold, the name and address of the manufacturer
28 thereof and the name and address of each wholesaler permittee who is
29 authorized by the manufacturer or his authorized representative to sell
30 such alcoholic liquors are registered with the Department of Consumer
31 Protection and until such brand, trade name or other distinctive
32 characteristic has been approved by the department. Such registration
33 shall be valid for a period of three years. The fee for such registration,
34 or renewal thereof, shall be one hundred dollars for out-of-state
35 shippers and three dollars for Connecticut manufacturers for each
36 brand so registered, payable by the manufacturer or his authorized
37 representative when such liquors are manufactured in the United
38 States and by the importer or his authorized representative when such
39 liquors are imported into the United States. The department shall not
40 approve the brand registration of any fortified wine, as defined in
41 section 12-433, which is labeled, packaged or canned so as to appear to
42 be a wine or liquor cooler, as defined in section 12-433.

43 (b) No manufacturer, wholesaler or out-of-state shipper permittee
44 shall discriminate in any manner in price discounts between one
45 permittee and another on sales or purchases of alcoholic liquors
46 bearing the same brand or trade name and of like age, size and quality,
47 nor shall he allow in any form any discount, other than a volume
48 discount, rebate, free goods, allowance or other inducement for the

49 purpose of making sales or purchases.

50 (c) Each manufacturer, wholesaler and out-of-state shipper
 51 permittee shall post with the department, on a monthly basis, the
 52 bottle, can and case price, including any volume discount, and for
 53 beer, the price per keg or barrel or fractional unit thereof, including
 54 any volume discount, of any brand of goods offered for sale in
 55 Connecticut, which price, including any volume discount price, when
 56 so posted shall be the controlling price for such manufacturer,
 57 wholesaler or out-of-state permittee for the month following such
 58 posting. Notice of all manufacturer, wholesaler and out-of-state
 59 shipper permittee prices, including any volume discount prices, shall
 60 be given to permittee purchasers by direct mail or advertising in a
 61 trade publication having circulation among the retail permittees except
 62 a wholesaler permittee may give such notice by hand delivery. Price
 63 postings with the department setting forth wholesale prices to retailers
 64 shall reflect any volume discount and be available for inspection
 65 during regular business hours at the offices of the department by
 66 manufacturers and wholesalers until three o'clock p.m. of the first
 67 business day after the last day for posting prices. A manufacturer or
 68 wholesaler may amend his posted price for any month to meet a lower
 69 price posted by another manufacturer or wholesaler with respect to
 70 alcoholic liquor bearing the same brand or trade name and of like age,
 71 vintage, quality and unit container size; provided that any such
 72 amended price posting shall be filed before three o'clock p.m. of the
 73 fourth business day after the last day for posting prices; and provided
 74 further such amended posting shall not set forth prices lower than
 75 those being met. Any manufacturer or wholesaler posting an amended
 76 price shall, at the time of posting, identify in writing the specific
 77 posting being met.

78 Sec. 3. Subsection (a) of section 30-64 of the general statutes is
 79 repealed and the following is substituted in lieu thereof (*Effective from*
 80 *passage*):

81 (a) (1) No out-of-state shipper, manufacturer or wholesaler
82 permittee shall sell, offer for sale, solicit any order for or advertise any
83 alcoholic liquor, the container of which bears a label stating brand or
84 the name of the owner or producer, unless a schedule of suggested
85 consumer resale prices for each brand of alcoholic liquor has been filed
86 with the Department of Consumer Protection and such schedule is
87 then in effect, except written permission for such sale, offer, solicitation
88 or advertising may be granted by the department for good cause
89 shown and for reasons not inconsistent with the purposes of this
90 section and subdivisions (1), (2), (3) and (4) of subsection (b) of section
91 30-6a and under such terms and conditions as the department deems
92 necessary.

93 (2) Such schedule shall be filed by (A) the out-of-state shipper,
94 manufacturer or wholesaler who owns such brand, if licensed by the
95 department, or (B) a wholesaler, selling such brand, who is appointed
96 as exclusive agent in writing by the brand owner for the purpose of
97 filing such schedule, if the brand owner is not licensed by the
98 department, or (C) any wholesaler, with the approval of the
99 department, if the owner of such brand does not file or is unable to file
100 a schedule or designate an agent for such purpose.

101 (3) Such schedule shall be in writing, duly verified, and filed in the
102 number of copies and in the form required by the department and
103 shall contain, with respect to each brand, the brand or trade name,
104 capacity of container, nature of contents, age and proof where stated
105 on the label, percentage and type of spirits where stated on the label,
106 the suggested consumer resale price of a bottle, a can, a case, including
107 any volume discount, a keg and a barrel or fraction thereof, but not a
108 multiple of a bottle or can price or a case price or a fraction of a case
109 price. Such prices shall be uniform throughout the state.

110 (4) Schedules of suggested prices shall be filed at the times and
111 remain in effect for the periods fixed by the department, such periods
112 not to exceed four months each. Within ten days after the filing of such

113 schedules, the department shall make them or a composite thereof
 114 available for inspection by permittees. All schedules so filed shall be
 115 subject to public inspection, from the time that they are required to be
 116 made available for inspection to permittees. Each out-of-state shipper,
 117 manufacturer or wholesaler permittee shall retain in such permittee's
 118 permit premises a copy of such permittee's filed schedules. Notice of
 119 all out-of-state shipper, manufacturer or wholesaler permittee prices,
 120 together with suggested consumer resale prices, including any volume
 121 discount, shall be given by the out-of-state shipper, manufacturer or
 122 wholesaler permittee to permittee purchasers, either by direct mail or
 123 advertising in a trade publication having a circulation among the retail
 124 permittees.

125 Sec. 4. Section 30-68l of the general statutes is repealed and the
 126 following is substituted in lieu thereof (*Effective from passage*):

127 No wholesaler permittee shall sell to any purchaser holding a
 128 permit for the sale of alcoholic liquor for on or off premises
 129 consumption at a price which is below such wholesaler permittee's
 130 cost. For the purposes of this section, "cost" means: (1) On domestic
 131 alcoholic liquor bottled in the state, the total of (A) the cost of all
 132 ingredients, (B) all transportation charges from the point of origin to
 133 the point of destination, (C) all applicable federal and state taxes, [and]
 134 (D) the cost of containers, labels, caps, closures and all bottling charges
 135 and labor, and (E) any volume discount; (2) on imported alcoholic
 136 liquor bottled in the state, the total of (A) the invoice price from the
 137 supplier, (B) all other ingredients, (C) the cost of duties, (D) all
 138 applicable federal and state taxes, (E) insurance, (F) ocean freight and
 139 brokerage charges, (G) all transportation charges, [and] (H) the cost of
 140 containers, labels, caps, closures and all bottling charges and labor, and
 141 (I) any volume discount; (3) on domestic alcoholic liquors not bottled
 142 in this state, the total of (A) the posted price from the supplier to the
 143 wholesaler, (B) the cost of shipping or delivery charges to the
 144 wholesaler's place of business which were paid by the wholesaler in
 145 addition to the posted price, [and] (C) all applicable federal and state

146 taxes paid by the wholesaler in addition to the posted price, and (D)
 147 any volume discount; (4) on imported alcoholic liquor not bottled in
 148 the state, the total of (A) the posted price from the supplier, (B) the cost
 149 of duties, insurance, ocean freight and brokerage charges and
 150 transportation charges paid by the wholesaler in addition to the posted
 151 price, [and] (C) all applicable federal and state taxes paid by the
 152 wholesaler in addition to the posted price, and (D) any volume
 153 discount. The provisions of this section shall not apply to sales of wine.

154 Sec. 5. Section 30-68m of the general statutes is repealed and the
 155 following is substituted in lieu thereof (*Effective from passage*):

156 (a) No retail permittee shall sell at a price below his cost. For the
 157 purposes of this section, cost for the retail permittee shall mean the
 158 posted bottle price from the wholesaler, including any volume
 159 discount price, plus any charge for shipping or delivery to the retailer's
 160 place of business paid by the retailer in addition to the posted price,
 161 except on items of wine sold prior to January 1, 1983, cost shall mean
 162 the posted bottle price from the wholesaler plus a minimum of thirty-
 163 three and one-third per cent of such permittee's selling price. As used
 164 in this section, the term retail permittee means the holder of a permit
 165 allowing the sale of alcoholic liquor for off-premises consumption.

166 (b) "Bottle price" means the price per unit of the contents of any case
 167 of alcoholic liquor, other than beer, and shall be arrived at by dividing
 168 the case price by the number of units or bottles making up such case
 169 price and adding to the quotient an amount that is not less than the
 170 following: A unit or bottle one-half pint or two hundred milliliters or
 171 less, two cents; a unit or bottle more than one-half pint or two hundred
 172 milliliters but not more than one pint or five hundred milliliters, four
 173 cents; and a unit or bottle greater than one pint or five hundred
 174 milliliters, eight cents.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>from passage</i>	30-1(6)
Sec. 2	<i>from passage</i>	30-63
Sec. 3	<i>from passage</i>	30-64(a)
Sec. 4	<i>from passage</i>	30-68l
Sec. 5	<i>from passage</i>	30-68m

Statement of Purpose:

To establish a legal definition for a case of wine and for a case of beer and allow for volume discounts.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]